IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2011 of 2006

RAMJAN KHAN ALIAS ROHAN KUMAR
V/S
STATE & ORS.

Mr. RR PUROHIT, for the appellant / petitioner

Date of Order : 15.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

The petitioner has filed this writ petition seeking to claim appointment on compassionate ground, on account of his wife having died while in service. It appears that the petitioner has not moved the application within the prescribed period of 45 days, and at much belated stage, he has only addressed the letter, and then went on submitting reminders, and on that basis wants to lay the claim.

From the papers annexed with the writ petition, it is clear, that the deceased-employee died on 18.4.99, in an accident of fire having broken out in her residential house. It is alleged in Annex.1 that in that accident, the petitioner also sustained more than 50% burns, whereupon he was admitted in the hospital, and received treatment for a long time in hospital and residence, and by being readmitted in hospital from time to time. However, he was last discharged from hospital on 27.11.2000. In this

Annex.1, of course there is a recital, that application in the prescribed proforma was submitted within 45 days of the death, additional copy whereof is enclosed. I do not find any such additional copy, nor do I find any material to show, that the petitioner had applied on what particular date, so as to ascertain the vague averment, about having applied within 45 days. There is nothing to lend any assurance to the bald averment of having applied in prescribed proforma within 45 days of death. Significantly, after Annex.1 being of February 2001, the first communication is of 16.6.2004, being Annex.2, whereby the Joint Director had returned the papers to the petitioner, with a direction to forward them to the concerned Controlling Officer. Thereupon, the petitioner again applied on 3.7.2004. A look at Annex.4 shows, that therein it is alleged, that in the accident, he suffered extensive burns, and even after being discharged from hospital, he was under severe mental trauma, and after coming out of the trauma, he applied for being given compassionate appointment, and made various representation for payment of balance pension etc., but then he has not been appointed. Then in Annex.7, which was sent by registered post on 31.8.2005 and under UPC to some authorities, it has been alleged, that the petitioner was under treatment for about one a half year.

These circumstances, if properly considered collectively, do show, that probably Annex.1 is the first

application, submitted for compassionate appointment, which was in February 2001, apart from the fact that, that was not in prescribed proforma, is also clearly one, having been submitted much after the prescribed period. In that view of the matter, I do not find any sufficient ground to entertain the present writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/